

Memorandum

Date : July 11, 2005

To : William L. Gausewitz
Director
Office of Administrative Law

Subject: **PRINT ONLY FILING REGARDING PROPOSITION 69, DNA FINGERPRINT, UNSOLVED CRIME AND INNOCENCE PROTECTION ACT**

Pursuant to the initiative measure approved by the people of the State of California (Proposition 69, DNA Fingerprint, Unsolved Crime and Innocence Protection Act), and as authorized by Penal Code Section 295, the California Department of Corrections and Rehabilitation (CDCR), formerly known as the Department of Corrections (CDC), hereby requests the Office of Administrative Law (OAL) publish the attached regulations in the California Code of Regulations, Title 15, Division 3. The Secretary of CDCR requests that the attached regulations be filed as "print only," and not undergo review by OAL or public rulemaking, pursuant to Penal Code Section 295(h)(2), which states:

"Given the specificity of this chapter, and except as provided in subdivision (c) of Section 298.1, any administrative bulletins, notices, regulations, policies, procedures, or guidelines adopted by the Department of Justice and its DNA Laboratory, the Department of Corrections...for the purpose of the implementing this chapter are exempt from the provisions of the Administrative Procedure Act, Chapter 3.5 (commencing with Section 11340), Chapter 4 (commencing with Section 11370), Chapter 4.5 (commencing with Section 11400), and Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code."

The exception noted for subdivision (c) of Section 298.1 regarding Use of Force has been satisfied by regulations in the Title 15, Section 3268(a)(1).

If you have any questions or concerns, please contact me at 358-1655.

Original Signed By

TIMOTHY M. LOCKWOOD, Chief
Regulation and Policy Management Branch
Department of Corrections and Rehabilitation

Attachments